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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ORLANDIS WELLS, M.D.,

Defendants.

Case No. 2:19-cr-00216-ART-NJK

GOVERNMENT'S NOTICE OF INTENT
TO CALL EXPERT WITNESS AT TRIAL

The United States of America, by and through its attorneys, JASON FRIERSON, United States Attorney for the District of Nevada, and NADIA AHMED, Assistant United States Attorney, hereby gives notice of its intent to call an expert witness to testify at the trial in this matter, currently set to begin on February 7, 2023, as set forth herein. The government reserves the right to modify or supplement this Notice, as circumstances warrant.

SUMMARY OF EXPERT WITNESS OPINION AND QUALIFICATIONS

Pursuant to Fed. R. Crim. P. 16(a)(1)(G) and Fed. R. Evid. 702, the government hereby provides notice of its intent to call at trial, Jeffrey Muir, MD, whose curriculum vitae is attached as Exhibit 1, and which sets forth the bases of his expertise.

1 Dr. Muir will testify at trial as to the opinions set forth in his two (2) written “Statement of
2 Medical Opinion” reports for Nevada Board of Medical Examiners (“NBME”) Case Nos. 16-
3 16830 (previously produced at BATES Nos. 2144-2149) and 17-17194 (previously produced at
4 BATES Nos. 2805-2808). These are “Reports of Examinations or Tests” within the meaning of
5 Rule 16(a)(1)(F).

6 Dr. Muir signed his two reports, at BATES Nos. 2149 and 2808. These signatures on the
7 reports setting forth his expert opinions satisfies the certification requirement set forth in the
8 recent amendments to Rule 16(a)(1)(G). *See* Fed. R. Crim. P. 16(a)(1)(G)(v) (eff. Dec. 1, 2022)
9 (certification signature not required where, as here, the witness “has previously provided under
10 (F) a report, signed by all the witness, that contains all the opinions and the bases and reasons for
11 them required by (iii)”).¹

12 In providing this expert testimony (and, in preparing these two NBME reports), Dr. Muir
13 reviewed and relied upon, among other items, files of certain of the defendant’s former medical
14 patients; in the criminal indictment (ECF No. 1), these patients correspond to Patients B-H
15 (Counts 5-18) and Patients I-O (Counts 19-32).

16 Dr. Muir will receive compensation for his work in this case, as set forth in the fee
17 schedule attached as Exhibit 2.

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22 ¹ For purposes of Rule 16(a)(1)(F)(iii), Dr. Muir’s CV (Exhibit 1) lists his relevant publications.
23 Dr. Muir further advises 1) that he has never testified as an expert in any criminal trial; 2) that he
24 has testified once in a civil proceeding in state court in approximately 2107 or 2018; and 3) that he
has, over the years, testified at civil depositions in state court. The government reserves the right to
supplement this response with a “list” of all such proceedings, should Dr. Muir be able to supply
that information.

1 While the government is currently aware of no such material, any material listed in Dr.
2 Muir's reports that has not previously been produced or made available for defense review will be
3 made available for review consistent with Federal Rule of Criminal Procedure 16(a)(1)(G) and
4 Federal Rules of Evidence 702, 703, and 705.

5 The government reserves the right to modify or supplement the areas of Dr. Muir's
6 testimony as circumstances warrant.

7 DATED this 26th day of December, 2022.

8 Respectfully submitted,

9 JASON FRIERSON
10 United States Attorney

11 /s/ Nadia Ahmed
12 NADIA AHMED
13 Assistant United States Attorney
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<u>Exhibit</u>	<u>Description of Exhibit</u>
1	Curriculum Vitae of Jeffrey Muir, MD

CURRICULUM VITAE

Jeffery J. Muir, M.D.
Sweetwater Pain & Spine
343 Elm Street, Suite 202
Reno, NV 89503
W:(775) 870-1480 C:(702) 596-9449
muir@sweetwaterpain.com

CLINICAL PRACTICE

Sweetwater Pain & Spine — Reno, NV	2015-Present
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Spine & Sports of Summerlin — Las Vegas, NV	2013-2015
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POSTGRADUATE TRAINING

Pain Medicine — Dartmouth Hitchcock Medical Center — Lebanon, NH	2012-2013
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Physical Medicine & Rehabilitation — Mayo Clinic — Rochester, MN	2009-2012
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Preliminary Internal Medicine — Mayo Clinic — Rochester, MN	2008-2009
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EDUCATION

Doctor of Medicine	2008
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University of Utah School of Medicine—Salt Lake City, UT

Bachelor of Arts	1997-2003
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Brigham Young University — Provo, UT

Major: Latin American Studies

Minor: Chemistry

HOSPITAL/SURGICAL CENTER PRIVILEGES

Northern Nevada Medical Center — Reno, NV	2015-present
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Renown Regional Medical Center — Reno, NV	2015-present
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Summerlin Hospital Medical Center — Las Vegas, NV	2013-2015
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ACADEMIC HONORS/AWARDS

G. Keith Stillwell Memorial Award for Outstanding Resident Research – Mayo Clinic Department of Physical Medicine and Rehabilitation – 2012

Ernest W. Johnson Excellence in Research Writing Honorable Mention Award – Association of Academic Physiatrists – 2011

Resident/Fellow Abstract Travel Award – American Society of Regional Anesthesia and Pain Medicine – Annual Pain Medicine Meeting – 2010

Alpha Omega Alpha – University of Utah School of Medicine

Honors Graduate – Brigham Young University

RESEARCH

Co-investigator—Accuracy of ultrasound-guided versus palpation-guided injections/procedures 2009-2012

Primary Investigator: Jonathan T. Finnoff, D.O.
Mayo Clinic Department of Physical Medicine & Rehabilitation

Co-investigator—Ski and snowboard injury epidemiology 2007-2008

Primary Investigator: Stuart Willick, M.D.
University of Utah Division of Physical Medicine and Rehabilitation

Lab Assistant—Mesenchymal stem cell transplantation after myocardial infarction 2004-2008

Primary Investigator: George Russel Reiss, M.D.
University of Utah Division of Cardiothoracic Surgery

Co-investigator—Post-operative wound adhesion prevention using hyaluronic acid agents 2004-2008

Primary Investigator: Glenn D. Preswich, Ph.D.
University of Utah Department of Medicinal Chemistry

Co-investigator—Kyphectomy in children with myelomeningocele 2003

Primary Investigator: Eduardo A. Huertas, M.D.
National Children's Hospital of Costa Rica

PUBLICATIONS

Qu W, **Muir JJ**, Osborne MD. Device-device interference of a bipolar spinal cord stimulator with a bipolar implantable cardioverter-defibrillator. *Neuromodulation*. 2014 Feb;17(2):202-4.

Xiao L, Cheng J, Zhuang Y, Qu W, **Muir J**, Liang H, Zhang D. Botulinum Toxin

Type A Reduces Hyperalgesia and TRPV1 Expression in Rats with Neuropathic Pain. *Pain Med.* 2013 Feb;14(2):276-86.

Muir JJ, Pingree MJ, Moeschler SM. Acute Cauda Equina Syndrome Secondary to a Lumbar Synovial Cyst. *Pain Physician.* 2012 Sep-Oct;15(5):435-40.

Muir JJ, Curtiss HM, Hollman J, Smith J, Finnoff JT. The Accuracy of Ultrasound-Guided and Palpation-Guided Peroneal Tendon Sheath Injections. *American Journal of Physical Medicine & Rehabilitation.* 2011 Jul;90(7):564-71.

Peck ER, **Muir JJ**, Curtiss HM, Hollman J, Smith J, Finnoff JT. Accuracy of Palpation-Guided and Ultrasound-Guided Needle Tip Placement into the Deep and Superficial Posterior Leg Compartments. *American Journal of Sports Medicine.* 2011 Sep;39(9):1968-74.

Curtiss HM, Finnoff JT, Peck E, Hollman J, **Muir J**, Smith J. Accuracy of Ultrasound-Guided and Palpation-Guided Knee Injections by an Experienced and Less Experienced Injector using a Superolateral Approach: A Cadaveric Study. *PM R.* 2011 Jun;3(6):507-15.

Kloesel B, Czarnecki K, **Muir JJ**, Keller AS. Sequelae of a left-sided parietal stroke: posterior alien hand syndrome. *Neurocase.* 2010 Dec;16(6):488-93.

Muir JJ. The Color of the Human Soul. *The Legible Script: A National Literary Journal* Sponsored by the University of Southern Florida College of Medicine. 2006 April; 7, 70.

Muir JJ. The Harvest. *The Legible Script: A National Literary Journal* Sponsored by the University of Southern Florida College of Medicine. 2006 April; 7, 75.

Connors RC, **Muir JJ**, Liu Y, Reiss GR, Kouretas PC, Whitten MG, Sorenson TK, Prestwich GD, Bull DA. Postoperative pericardial adhesion prevention using Carbylan-SX in a rabbit model. *J Surg Res.* 2007 Jun 15;140(2):237-42.

ABSTRACTS

Muir JJ, Jones LK. Polyradiculoneuropathy Secondary to Immunoglobulin Light Chain Amyloidosis. Association of Academic Psychiatrists 2012 Annual Meeting. *Am J Phys Med Rehabil.* 2012. Apr;91(4):

Conley K, **Muir JJ**, Christopherson MW. Left Ventricular Assist Device Outcomes During Acute Inpatient Rehabilitation. Association of Academic Psychiatrists 2012 Annual Meeting. *Am J Phys Med Rehabil.* 2012. Apr;91(4):

Muir JJ, Pingree MJ, Moeschler SM. Lumbar Synovial Cyst: An Unusual Cause of Acute Cauda Equina Syndrome. American Academy of Pain Medicine 2012 Annual Meeting.

Muir JJ, Eldridge JS. Intercostal Nerve Radiofrequency Ablation for Refractory Chest Wall Pain. American Society of Regional Anesthesia and Pain Medicine 2011 Annual Pain Medicine Meeting.

Muir JJ. Hirayama Disease: A Case Report. Association of Academic Physiatrists 2011 Annual Meeting. *Am J Phys Med Rehabil*. 2011. Apr;90(4):A36.

Muir JJ, Curtiss HM, Hollman J, Smith J, Finnoff JT. Accuracy of Ultrasound-Guided and Palpation-Guided Peroneal Tendon Sheath Injections. American Society of Regional Anesthesia and Pain Medicine 2010 Annual Pain Medicine Meeting. *Reg Anesth Pain Med* 2010; 4.

Belsky M, **Muir JJ**, Tarquino M, Muir WS. Plasma Disc Decompression: A Minimally Invasive Disc Decompression Study. International Spine Intervention Society 2010 18th Annual Scientific Meeting.

Muir JJ, Derr M, Schmidt KD. Treatment of Intractable Cervical Dystonia After Traumatic Brain Injury with Selective Peripheral Denervation and Rehabilitation: A Case Report. Association of Academic Physiatrists 2010 Annual Meeting. *Am J Phys Med Rehabil*. 2010. Apr;89(4):S54.

NATIONAL/REGIONAL PRESENTATIONS

Muir JJ , Willick S. Ski and Snowboard Epidemiology: A Northern Utah Study. 24th Annual Update in Physical Medicine and Rehabilitation. University of Utah Division of Physical Medicine and Rehabilitation. Park City, UT.	February 3, 2008
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Muir JJ , Willick S. Ski and Snowboard Injury Surveillance Program. Third Annual James R. Swenson, M.D. Scientific Symposium Day. University of Utah Division of Physical Medicine and Rehabilitation. Salt Lake City, UT.	May 22, 2008
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INTRAMURAL LECTURES

Muir JJ . NSAIDs for Pain Management. Grand Rounds. Dartmouth-Hitchcock Medical Center - Department of Anesthesiology. Lebanon, NH.	May 24, 2013
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Muir JJ . Lumbar Synovial Cysts. Grand Rounds. Dartmouth-Hitchcock Medical Center - Spine Center. Lebanon, NH.	January 24, 2013
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Muir JJ , Wheeler MJ. Complex Regional Pain Syndrome: Biofeedback and Mirror Therapy. Grand Rounds. Mayo Clinic Department of Physical Medicine and Rehabilitation. Rochester, MN.	February 18, 2011
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Muir JJ , Smith J. Foot Pain Secondary to Calcaneonavicular Coalition.	September 3, 2010
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Sports Medicine Conference. Mayo Clinic Sports Medicine Center.
Rochester, MN.

Muir JJ. Exertional Leg Pain. Sports Medicine Conference. Mayo Clinic August 20, 2010
Sports Medicine Center. Rochester, MN.

Muir JJ, Jurisson ML. Swollen Arm and Diagnostic Musculoskeletal January 8, 2010
Ultrasound. Grand Rounds. Mayo Clinic Department of Physical Medicine
and Rehabilitation. Rochester, MN.

Muir JJ, Adams J, Bachuwar A. Interstitial Lung Disease Secondary to December 19, 2008
Jo-1 Positive Inflammatory Myositis. Rheumatology Hospital Conference.
Mayo Clinic Division of Rheumatology. Rochester, MN.

WORKSHOP/COURSE FACULTY APPOINTMENTS

High Yield Musculoskeletal & Spine Ultrasound Applications August 24-25, 2013
Instructor for intense two day hands-on ultrasound course sponsored
by the AAPM&R

TRAINING COURSES

Musculoskeletal Ultrasound Course Annually from 2009-2011
Six months of comprehensive anatomy, physical examination, and hands-on
training in diagnostic MSK ultrasound imaging and interventional
ultrasound-guided injection techniques (course master, Jay Smith MD)

Axial Injection Course 2011
Hands-on instruction by Mayo Clinic interventional physiatrists and radiologists
of axial fluoroscopic guided procedures on fresh-frozen cadavers

Clinical Neurophysiology Course 2011
Two months of didactics covering techniques and applications of NCS, needle EMG,
evoked potentials and autonomic testing
Four months performing NCS and needle EMG independently in collaboration with
Mayo Clinic Neurologists and Physiatrists

Diagnostic and Interventional Musculoskeletal Ultrasound Course 2011
5th annual course held in collaboration by the Mayo Clinic and the American Institute
for Ultrasound in Medicine consisting of three days of lecture and hands-on teaching.

Multidisciplinary Approach to Chronic Pain Rehabilitation 2012
One day course sponsored by the Mayo Clinic Physical Medicine & Rehabilitation
Department.

Boston Scientific Neuromodulation -Spinal Cord Stimulator Workshop 2012
One day course held at Dartmouth-Hitchcock Medical Center, consisting of didactics and a simulation training lab.

Boston Scientific Neuromodulation -Spinal Cord Stimulator Workshop 2012
One day course held at the Medical Innovations Training Institute in Henderson, NV, including didactics and hands-on cadaver lab implantation skills.

Discography Bio-Skills Lab - International Spine Intervention Society 2014
Two day hands-on course/cadaver lab teaching cervical, thoracic, & lumbar discography

PROFESSIONAL MEMBERSHIPS

Alpha Omega Alpha Honor Medical Society
American Academy of Pain Medicine
American Academy of Physical Medicine & Rehabilitation
American Society of Interventional Pain Physicians
American Society of Regional Anesthesia and Pain Medicine
Association of Academic Physiatrists

BOARD CERTIFICATION/LICENSURE

United States Medical Licensing Exam – Step 1	2006
United States Medical Licensing Exam – Step 2 – Clinical Skills	2007
United States Medical Licensing Exam – Step 2 – Clinical Knowledge	2007
United States Medical Licensing Exam – Step 3	2009
American Board of Physical Medicine & Rehabilitation - Part I Examination	2012
American Board of Physical Medicine & Rehabilitation - Part II Examination	2013
ABA/ABPMR/ABPN Pain Medicine Subspecialty Examination	2013

State of Nevada Medical License, #14611 2012-Present

MEDICAL BOARD APPOINTMENTS

Investigative Committee Medical Peer Reviewer

Nevada State Board of Medical Examiners 2017-Present

ACADEMIC APPOINTMENTS

UNLV School of Nursing - Preceptor 1/14-1/18

VOLUNTEER EXPERIENCE

Mayo Clinic Medical School Education, Course Instructor 2010-2011

Musculoskeletal Physical Examination Course

Team Physician

2010-2011

Stewartville High School Football Team

Marathon Medical Staff

Rochester Half Marathon

August 28, 2010

Salt Lake City Marthon

April 19, 2008

International Medical Service

Kansas City University. Attending Physician. Guatemala.

2018-Present

Hope Alliance Medical Mission. Medical staff/Translator. Iquitos, Peru.

March 2005

WHO/BYU Public Health Internship. Dominican Republic.

May-June 2002

LANGUAGE SKILLS

Fluent in Spanish

REFERENCES

Wenchun Qu, MD, PhD

Mayo Clinic
200 First St SW
Rochester , MN 55905
Tel. 507-284-2511

Gilbert Fanciullo, MD

Dartmouth Medical Center
1 Medical Center Dr
Lebanon, NH, 03755
Tel. 603-650-5000

Michael Derr, DO

Tanner Clinic
2121 North 1700 West
Layton, UT 84041
Tel. 801-773-4840

Jeffery Muir, MD

**343 Elm St, Ste 202
Reno, NV 89503**

T: 702.595.5119 F: 877.764.6351

EXPERT RETAINER FEES ARE AS FOLLOWS:

Trial

Trial fees:

Half day Trial fee (max 4 hours, travel time included) \$6,000.00

All day Trial fee (8 hours, travel time included) \$12,000.00

(If the trial exceeds the time paid in advance, you will receive an invoice for the additional time)

Trial fees are required two weeks in advance

Cancellation notice is a minimum of 10 business days prior to set trial date in order to receive a refund.

(If trial is canceled you will still be billed for any preparation time)

Preparation for Trial \$850.00 per hour (no charge for local travel time)

Out of state/region Trials will vary on complexity and travel expenses

Out of state/region Trial cancellations must be 10 working days prior to trial for refund (Less any fees incurred for travel cancellation)

Travel expenses for out of state/region Trials require reimbursement.

Deposition

Hourly rate for Depositions (including Video) \$1,500.00

(Length of time is required at the time of scheduling)

If the deposition needs to go beyond the scheduled time, you may be asked to schedule a seconded deposition depending on the doctor's schedule.

If the deposition exceeds the scheduled time you will receive an invoice for any time over what was scheduled.

(It's at the doctor's discretion to allow the deposition to continue past the scheduled time.)

Deposition fees are required two weeks in advance;

Otherwise the deposition will be canceled

Reschedule policy: You need to contact us at least 3 business days before the scheduled deposition date. Or you will have to pay additional deposition fees.

Cancellation policy: NO REFUNDS on Depositions

Preparation for Deposition \$850.00 per hour

Arbitration over the phone

\$2,000.00 for 1st hour, \$1,500.00 for each additional hour
(Any preparation time for the Arbitration will be billed separately at \$850.00 per hour)

IME

**Independent medical examinations are \$1,500.00 not including
X-rays or record review;**
(Medical record review will be billed as a separate charge)

Cancellations must be 3 business days prior to exam
“No Shows” will be charged a fee of \$300.00

Life Care Plan

This is charged on an individual case basis
Minimum fee \$3800.00 (amount depends on the medical records and research involved)

Surgical Cost Letters \$500.00

Medical Record Review

Record review charges with written report are \$850.00 per hour

Record review charges without written report \$850.00 per hour

Telephone conferences and meetings are \$250.00 per 15 minute intervals

Cancellation policy: NO REFUNDS on depositions

Please note: prices are subject to change at any time.

Tax ID 46-2430010

**If you have any additional questions or concerns, then please contact
our office at between 8:00 am - 5:00 pm (Monday-Friday)**